



FSO-049-07

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.
Secretary of Natural Resources

806 Westwood Office Park
Fredericksburg, Virginia 22401
(540) 899-4600 Fax (540) 899-4647
www.deq.virginia.gov

David K. Paylor
Director

Jeffery A. Steers
Regional Director

STATE AIR POLLUTION CONTROL BOARD ORDER BY CONSENT ISSUED TO CARLISLE MOTION CONTROL INDUSTRIES, INC. DEQ Air Facility Registration No. 40718

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1307 D, § 10.1-1309 and 10.1-1316 C, between the State Air Pollution Control Board ("SAPCB") and Carlisle Motion Control Industries, Inc. ("Motion Control") for the purpose of resolving certain alleged violations of the Air Pollution Control Law and/or regulations as specified in Section C of this Order.

SECTION B: Definitions

Unless the context indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Regulations or Air Regulations" refers to the Regulations for the Control and Abatement of Air Pollution for the Commonwealth of Virginia.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality.
6. "Motion Control" means Carlisle Motion Control Industries, Inc. or Motion Control Industries, Inc., certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means Motion Control's Spotsylvania Plant located at 11700 Shannon Drive in Spotsylvania County, Virginia.
8. "FSO" means the Fredericksburg Satellite Office of the Northern Virginia Regional Office of DEQ, located in Fredericksburg, Virginia.
9. "Order" means this document, also known as a Consent Order.
10. "November 28, 2000, Air Permit" means Stationary Source Permit to Modify and Operate, issued by DEQ on behalf of the Board to Motion Control Industries, Inc. on November 28, 2000.
11. "VAC" means Virginia Administrative Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Motion Control owns and operates a friction materials manufacturing plant at the Facility. The Facility's operation is subject to the terms of the November 28, 2000, Air Permit.
2. On February 5, 2007, DEQ Fredericksburg Satellite Office staff conducted a compliance inspection of Motion Control's Spotsylvania Plant. During the course of the inspection, DEQ noted several deficiencies with respect to the November 28, 2000, Air Permit and the Air Regulations. These problems included improper operation & maintenance of the fabric filter monitoring devices, lack of production & material consumption records, no air pollution control and prevention plan, no copy of November 28, 2000, Air Permit on site, and improper handling and storage of dusty materials.
3. DEQ issued a Notice of Violation (NOV) to Motion Control on February 20, 2007 for the above-referenced infractions.
4. On March 8, 2007 and April 13, 2007, representatives of DEQ and Motion Control met to discuss the NOV. Motion Control stated that corrective actions are underway, including the repair/replacement of defective gauges, and informed DEQ that they are consulting with external entities on developing an air pollution control and prevention plan. During the April 13th meeting, Motion Control made available to DEQ, monthly material & paint usage records for CY2006 and CY2007. Motion Control also showed DEQ that a copy of the Air Permit is maintained at the facility. Motion Control is also in the process of addressing the other observations noted in the Notice of Violation through the following actions: institution of a check-off sheet for inspection of gauges on their baghouses; completion and documentation of

operator training; development of a critical spare parts list based on manufacturer recommendations; and development of an air pollution prevention plan.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1307 D, §10.1-1309 and § 10.1-1316 C, and upon consideration of Va. Code § 10.1-1186.2, the Board orders Motion Control, and Motion Control voluntarily agrees, to comply with the specific actions given in Appendix A of the Order. In addition, the Board orders Motion Control, and Motion Control voluntarily agrees to pay a civil charge in the amount of five thousand dollars (\$5,000.00) within thirty days of the effective date of this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Either in the transmittal letter or as a notation on the check, Motion Control shall indicate that this payment is submitted pursuant to this Consent Order and shall include the Federal Identification Number for Motion Control.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Motion Control for good cause shown by Motion Control, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Motion Control by DEQ on February 20, 2007. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities, whether or not arising out of the same or similar facts, for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Motion Control admits the jurisdictional allegations, factual findings, and conclusions of law

contained herein.

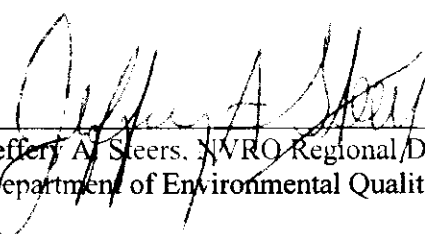
4. Motion Control consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Motion Control declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the State Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Motion Control to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Motion Control shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or other such circumstance. Motion Control must show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Motion Control shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
 - a. The reasons for the delay or noncompliance;
 - b. The projected duration of any such delay or noncompliance;
 - c. The measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. The timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any

condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

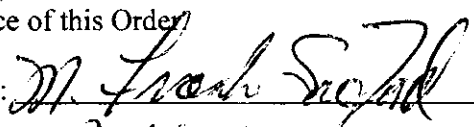
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Motion Control. Notwithstanding the foregoing, Motion Control agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Motion Control. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Motion Control from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Motion Control voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 18th day of June, 2007.



Jeffrey A. Steers, NVRQ Regional Director
Department of Environmental Quality

Motion Control voluntarily agrees to the issuance of this Order.

By:  _____

Title: Plant Mgr _____

Date: 6-15-07 _____

Commonwealth of Virginia

~~City/County of~~ Spotsylvania

The foregoing document was signed and acknowledged before me this 15 day of June, 2007, by M. Frank Engel, who is Plant Manager of Motion Control, on behalf of Motion Control.

Notary Public: Nitza E. Picard My commission expires: January 31, 2009.

Embossed Hereon Is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires January 31, 2009
NITZA E. PICARD

APPENDIX A

1. No later than 30 days from the effective date of this Order, Motion Control shall provide DEQ-FSO written details on each fabric filter baghouse unit at the facility. Such details shall include, but are not limited to, the following:
 - a. Unit reference number (i.e., facility assigned unique equipment reference number);
 - b. The manufacturer and model number;
 - c. Process(es)/equipment controlled by the fabric filter unit;
 - d. The monitoring instrumentation type (e.g., Magnehelic) and recorder used (if any);
 - e. The monitoring instrumentation manufacturer's recommended calibration frequency;
 - f. The bag cleaning method (e.g., reverse air) and frequency (e.g., every 10 minutes) of such cleaning;
 - g. The number of sections & number of bags per section;
 - h. The air-to-cloth ratio (fpm);
 - i. The design air flow (acfm); and
 - j. The manufacturer's recommended pressure drop range (e.g., 3-6 inches of water);
2. Motion Control shall ensure that each fabric filter baghouse pressure drop monitoring device is installed, maintained, calibrated and operated in accordance with approved procedures which shall include, at a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the fabric filter is operating. No later than 30 days after the effective date of this Order, Motion Control shall provide DEQ-FSO written documentation as to the operating status (including most recent calibration date and results) of each fabric filter baghouse pressure drop monitoring device.
3. No later than five days after the effective date of this Order, Motion Control shall begin monitoring the pressure drop across each of the fabric filters with a frequency of at least once per day while the unit is in operation. Motion Control shall keep a log of all the observations. These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
4. No later than 30 days after the effective date of this Order, Motion Control shall develop a method to record and maintain the following operating parameters:
 - a. Monthly and annual throughput of friction materials (pounds or tons). Annual throughput shall be calculated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months;

- b. Monthly and annual consumption of phenolic resin (pounds or tons). Annual consumption shall be calculated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months;
- c. Monthly and annual consumption of paint (gallons). Annual consumption shall be calculated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months; and
- d. Monthly and annual facility-wide consumption of natural gas (cubic feet). Annual consumption shall be calculated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

- 5. No later than 30 days after the effective date of this Order, Motion Control shall submit to DEQ-FSO for review and approval, the method (in writing, including details) developed for facility material throughput/consumption records (as described above in Item 4 of Appendix A of this Order).
- 6. No later than 60 days after the effective date of this Order, Motion Control shall submit to DEQ-FSO for review and approval, in writing, an Operations and Maintenance (O&M) Manual for the Facility. This manual shall include, but not be limited to, the following items:
 - a. Facility design and operational procedures;
 - b. Routine preventative maintenance schedule for the operation of the Facility (air pollution control equipment and process equipment level details) and critical spare parts inventory;
 - c. Operator training program;
 - d. Housekeeping practices, including material handling & storage, inside and outside of the Facility to minimize the potential for dust entering the atmosphere; and
 - e. Environmental document control and record keeping pursuant to the November 28, 2000, Air Permit, including but not limited to, scheduled and unscheduled maintenance records and employee training records.